

APPENDIX A

Department of Social Services Technical Assistance Document Regarding Guidance on the Provision of Foster Care Services

2002 DSS VERSION

Foster Care Guidelines
VIRGINIA DEPARTMENT OF SOCIAL SERVICES
September 2002

The following table lists the most important federal and state statutes and regulations.

CATEGORY	CITATION	DESCRIPTION
FEDERAL		
Statutes	Titles IV-B and IV-E of the Social Security Act	Contains requirements for administering and funding foster care programs, family support and preservation, adoption, and Independent Living Programs
Regulations	45 CFR 1355-57	Regulations pertaining to Titles IV-B and IV-E
STATE STATUTES		
DEFINITION OF FOSTER CARE SERVICES	63.2-100 and 63.2-905	Foster care services are the provision of a full range of casework, treatment and community services for a planned period of time to a child and his family when the child (i) has been identified as needing services to prevent the need for foster care placement, (ii) has been placed through an agreement between social services or the public agency designated by the CPMT and the parents or guardian where legal custody remains with the parents or guardian, (iii) has been committed or entrusted to a local board of social services or child welfare agency.
FUNDING	63.2-400 63.2-319 and 63.2-410	Local governing bodies and the General Assembly shall appropriate such sum or sums of money as shall be sufficient to provide for the foster care of children in the custody or under the supervision of the local boards of public welfare.
HOW CHILDREN ARE PLACED IN FOSTER CARE	63.2-900; 63.2-903 and 63.2-1105	Gives local departments of social services the authority to accept children for placement
	16.1-277	Entrustments
	16.1-278.2	Abuse and Neglect
	16.1-277.02	Relief of care and custody
	16.1-278.4	Children in Need of Services
	16.1-278.8	Delinquent Youth
SERVICE PLANNING AND COURT APPROVAL AND REVIEW	16.1-281-2	Requires and defines content of service plans. Requires court review and approval of service plan and case progress.
FOSTER CARE POLICY AND PROCEDURES	Volume VII, Section III, Chapters A, B, C, E; Volume VII, Section 1, Chapter I	Child Protective Services, Foster Care, Adoption, Prevention and Support Services, Provider Standards

FOSTER CARE PROTECTIONS

Federal and state statutes require agencies responsible for the care of foster children provide them certain protections. These protections apply to ALL children in care. The state, local departments of social services and courts are to ensure these protections are provided to children and their families. Federal funding is contingent on their provision. The following summarizes federal and state requirements.

REASONABLE EFFORTS	
Prevention	Reasonable efforts must be made to prevent unnecessary removal of children from their families.
Prevention	If placement occurs, the court must find that reasonable efforts were made to prevent out-of-home placement.
Reunification	Reasonable efforts must be made to reunify the child with the family. A court must find that these efforts have been made. A court may determine that reasonable efforts do not need to be made if certain exceptions exist.
Permanency	If the goal is not return home, reasonable efforts must be made to find a permanent home for the child. The court must determine that such reasonable efforts have been made.
CASE PLANNING, REVIEWS AND SERVICE PROVISION	
Safety	The child's health and safety shall be the paramount concern of the court and the agency throughout the case planning, service provision and review process.
Permanency	Permanency planning should begin as soon as a child enters foster care and should be expedited by the provision of services.
Case Planning	Service plans must be current and reviewed every six months by the court until a permanency goal is achieved. The service plan must describe (i) the programs, care, services and other support which will be offered to the child and his parents and other prior custodians, (ii) the participation and conduct which will be sought from the parents and prior custodians, (iii) visitation and other contacts, (iv) the nature of the placement, and (v) where appropriate for children age sixteen or over, the programs and services which will prepare the child for the transition to independent living. If consistent with the child's health and safety, the plan shall be designed to support reasonable efforts, which lead to the return of the child to his parents or prior custodians within the shortest practicable time.
	If return home is not the goal, the plan shall (i) reasons why the child is not returning home, (ii) determine opportunities for placing the child with a relative or in an adoptive home, (iii) identify a plan leading to the child's successful placement with a relative if a subsequent transfer of custody to the relative, or in an adoptive home within the shortest practicable time, and if neither is feasible, (iv) explain why independent living for a child sixteen years of age or older, permanent foster care or

	continued foster care is the plan for the child.
	Families must be involved in service planning and review. Parents are required to attend court hearings. Foster and pre-adoptive parent(s) are invited to attend.
Court Reviews	Permanency planning hearings must occur within 14 months of placement to determine the permanent plan for the child.
Permanency	Local departments must petition for termination of parental rights if a child remains in care for more than 15 of 22 months unless certain federally defined exceptions exist.
	Subsequent to termination of parental rights, local departments must report to court every six months on progress made toward adoption.
PLACEMENT	
Appropriateness	The placement must be appropriate for the child.
Family-based	The child must be placed in the least restrictive (most family like setting) consistent with the best interests and special needs of the child.
	Relatives must be considered first as placement resources.
	The child must be placed in as close proximity as possible to the parent(s) or prior custodian's home to facilitate visitation.
	The local department must enter into a placement agreement with the placement provider.
Safety	The placement must be licensed or approved.
	Educational and medical information must be provided to the foster parents or provider on initial placement, each time a child is placed, and on an on-going basis in order to assure that providers have basic medical and educational information about the child.
	Placement of a child into foster care cannot be denied or delayed solely on the basis of race, color, national origin, or geographic location of the foster parents or child involved.

FUNDING FOR FOSTER CHILDREN

There are two primary sources of funding for foster children- Title IV-E (federal and state funding) and Comprehensive Services Act funding. Prior to implementation of the Comprehensive Services Act (CSA), funding for maintenance for non-Title IV-E eligible children, services for all children in foster care and their families, and foster care prevention were funded through local departments of social services. ALL of the local department of social services “state and local foster care” and Social Services Block Grant (SSBG) foster care funds were transferred to the CSA State Pool Fund and responsibility for funding of all of these services transferred as well.

MAINTENANCE

Maintenance for children in foster care may be funded through Title IV-E funds or State Pool Funds. A child must be determined eligible for Title IV-E. Eligibility is dependent upon the income of the family (income must be very low), deprivation, type of placement, and whether the court determines that reasonable efforts were made to prevent placement. The following table defines maintenance based on the federal definition for Title IV-E eligible costs. If a child is not eligible for Title IV-E, these maintenance costs are paid from State Pool Funds.

TYPE OF PLACEMENT	ALLOWABLE MAINTENANCE COSTS	ADDITIONAL COMMENTS
Regular foster homes	Uniform rates based on age Components are: Room and Board Clothing Personal Care, Recreation, Reading Allowance	Rates as of July 1, 2002 Age 0-4: \$294 5-12: \$344 13-21: \$436 Youth may stay voluntarily in care after age 18 if making progress in treatment, training, or educational program. Special needs payment made to foster parents out of service funds.
	Day care when foster parent works, or attends training or reviews related to child	Day care provider must be licensed or approved
	Supplemental Clothing Allowance	\$300 per year for clothing at time of placement, change in placement, or if clothing outgrown, lost, or destroyed
Treatment Foster Care provided by Child Placing Agency or Public Agency	All of the Above Payment to Foster Parent for Additional Daily Supervision Required for a Special Needs Child	Daily supervision payment cannot be so great as to constitute a salary to foster parent.

TYPE OF PLACEMENT	ALLOWABLE MAINTENANCE COSTS	ADDITIONAL COMMENTS
Residential	Room and Board Clothing Personal Care, Recreation, Reading Allowance Daily Supervision Proportion of overhead related to costs of providing above.	Facility must determined rate. Payment may not include costs for therapy, medical services, counseling, or other non-maintenance expenses.
Minor Child of Foster Child	Maintenance	Paid from same source as parent's funding
Independent Living Stipend	Cannot be funded out of Title IV-E. CSA funds only	Rate as of July 1, 2002: \$644

Maintenance costs for non-IV-E eligible children are paid from State Pool Funds. All Interstate Placements must comply with Interstate Compact to receive state and federal funding.

Placements Ineligible for Title IV-E Funding (These placements must be funded with CSA funds)

- Unapproved homes or unlicensed facilities, (also ineligible for CSA funding);
- Placements in for-profit Child Placing Agency homes;
- Placements in public facilities that accommodate more than 25 children;
- Children on runaway status for more than two days. Funding much be switched to CSA funding;
- Youth over age 19. Youth who are 18 may be funded through Title IV-E if in an educational/vocational training program with a reasonable expectation to compete the program by their nineteenth birthday;
- Independent Living Arrangements where youth receives IL Stipend.

SERVICES

Funding for services and to meet basic needs of foster children, in addition to maintenance, largely comes from the CSA State Pool Fund. Foster care services are defined broadly in the *Code* as the provision of a full range of casework, treatment and community services for a planned period of time to a child and his family. Foster care services are any appropriate service documented as needed on the Foster Care Service Plan.

The services listed below are examples of foster care services funded through CSA. The third column provides other potential local department of social services funding sources for these services. All of these other sources are limited, some may not be available in every locality or for every child, and some sources may be used for other client categories, in addition to children at-risk of or in foster care and their families.

CSA FUNDED FOSTER CARE SERVICES

GENERAL CATEGORY	SPECIFIC SERVICES FUNDED BY CSA	OTHER POTENTIAL DSS FUNDING
Services listed on foster care plan to meet the needs of the child, reunite the child with family, or obtain a permanent placement for child		All child specific services (not services to parents) listed can be reimbursed fully or partially from funds in the child's special welfare fund resulting from child support collections, or receipt of SSI, SSA, Veteran's, etc.
Medical services not covered by Medicaid	Examples are medical appliances and devices or supplies, dental and orthodontic services, optometry/optical services, pharmaceutical services, adaptive devices, wheel chairs, medical services for foster children who are illegal aliens and not eligible for Medicaid	All child specific medical services not paid by Medicaid can be reimbursed fully or partially from funds in the child's special welfare fund resulting from child support collections, or receipt of SSI, SSA, Veteran's, etc.
Education Services, Including Special Education, not funded by local school division	Residential services Private Day School Tutoring, School fees: lab, art, locker, band, school trips, or other fees, tuition and fees (including college), graduation fees, life skills training, summer school	* Maintenance payment should cover school supplies. * Independent Living Funds for youth 16 and over for educational services preparing youth for self-sufficiency * Textbooks are to be provided at no cost
Residential	Costs of services not considered maintenance	

GENERAL CATEGORY	SPECIFIC SERVICES	OTHER POTENTIAL DSS FUNDING
Child Specific Service Payments to Foster Parents	Day care, respite care, special needs payments, services to maintain stability of home, pre-approved expenses by foster parents paid for child	* Day care and special needs payments for Title IV-E eligible children available through Title IV-E * Respite Care- Respite Care appropriations and pool funds
Vocational Services	Employment counseling and training, job coaching	Independent Living funds first choice
Social-recreation	Mentoring, camp, recreation	Camp-respite care pool funds
Incidentals for the foster child	Child safety seats, diapers for older children, photographs, miscellaneous costs related to caring for child not covered by maintenance payment	
Transportation	Child specific costs for reasonable transportation for visits with parent and/or siblings	* Medicaid for health related transportation * Title IV-E for transporting child for visitation
Burial		
Legal expenses	Child specific legal representation, Orders of Publication, expert witnesses	* Agency legal expenses are out of administrative funds or IV-E administrative * GAL expenses paid by court
Reunification services to parents or family	Services not covered by Medicaid, parent training, mental health and substance abuse treatment not covered by insurance	* 20% of Promoting Safe and Stable Families Funds (formerly Family Preservation) is to be used on reunification services
Adoption expenses	Child specific recruitment and home approval, adoption counseling	* Title IV-E adoption recruitment and training funds * State adoption recruitment contracts
Prevention of foster care services (Children at risk of out-of-home placement within 6 months)	Any purchase that would eliminate or reduce the risk of out-of-home placement, emergency needs to prevent placement (clothing, rent, and utilities)	* Line 829-Family Preservation * Promoting Safe and Stable Families funding * Title IV-E Administrative Funds (staff expenses only) * General Relief

References: Volume VII, Section III, Chapter B, Section 12, October 2001; and Chapter C, July 1997”;

LOCAL DEPARTMENT OF SOCIAL SERVICES RESOURCES FOR FUNDING OF FOSTER CARE SERVICES

CHILD'S PERSONAL RESOURCES

TYPE OF RESOURCE	TITLE IV-E CHILDREN	CSA CHILDREN	COMMENTS
Child Support	Support payments reimburse Virginia Department of Social Services for maintenance. Any amount over maintenance sent to locality.	Support payments reimburse locality for child-specific costs.	Support collected from date of placement unless good cause claimed. Excess funds placed in child's Special Welfare Account for child's personal needs or future needs.
SSI	SSI payment is reduced by amount of IV-E payment made. SSI funds may not be used to reimburse IV-E costs. Funds may be used to reimburse other child-specific costs.	Child is entitled to full SSI check. SSI payment reimburses child-specific costs, including maintenance and services.	Agencies need to evaluate whether to accept SSI check or IV-E benefits. Generally: For a child in regular foster care, discontinue IV-E and accept full SSI check. For treatment foster care or residential, suspend SSI and use IV-E. Excess funds placed in Special Welfare Account for child's personal needs or future needs
SSA, Railroad, Veterans, trust funds, other resources, etc.	These funds are used to reimburse current maintenance and services.	These funds are used to reimburse maintenance and services.	Excess funds are placed in Special Welfare Account for child's personal needs or future needs.*

*When a child leaves foster care, funds left in the Special Welfare Account belong to the child.

Independent Living Program Funds: These federal funds are allocated to local departments with approved plans to fund services which prepare youth in foster care, ages 16 and over, to transition to independence. For FY 2003, agencies were allocated funding based on the percentage of each locality's children in care, age 13 and older, averaged for a twelve-month period in comparison to the statewide total number of children in care. Funds may be used to fund IL staff or purchase the following services:

- Education
- Vocational Training
- Daily Living Skills/Assistance Training
- Counseling
- Other Assistance Promoting Independent Living

These funds may not be used for maintenance. The Virginia Department of Social Services also manages a trust fund to assist in paying for educational services for former foster care youth over age 21 that need to complete higher education.

Promoting Safe and Stable Families Program funding (formerly Family Preservation and Support):

Funds family preservation and support services and programs, reunification, and adoption services in localities that apply and have approved plans. Beginning July 1, 1999, 20% of grant funds must be spent on reunification services. Reunification services are services provided to children and families to enable a child in foster care to return home. Local agencies can also use these funds for adoption services. While the fiscal agent for these funds is the local department of social services, the Community Policy and Management Team are responsible for planning for use of these funds.

Line 829: Family Preservation: Funding allocated to local department of social services for family preservation services. Local departments of social services use these funds to provide supportive services to families they serve. Some localities use these funds to support general relief efforts.

Adoption Subsidy (Maintenance and Services): Children may be eligible for these funds, if still in foster care, once an adoption placement and subsidy agreement is signed.

Respite Care Funding: Funding to local departments who have been awarded grants for respite care. Additional respite care pool funds are available to all localities, with an approved grant, for the child-specific provision of respite care services.

Title IV-E Training: Federal funding requiring 25% local match available to local departments that have a state approved plan to train foster and adoptive parents. Federal funding requiring a 25% local match is also available to fund training for local department child welfare staff. Local departments must have a state-approved plan for staff training.

Title IV-E Administrative Pre-Placement Prevention Funding: New federal funding source which requires 49% local match and funds staff providing services to families who are at high risk of foster care placement. Local departments of social services enter into agreements with the state Department of Social Services to access these funds.

Other Information about Foster Care Prevention:

Services to Children Living in Their Own Homes

Foster care prevention services are services to prevent foster care placement. The philosophy guiding prevention services requires a community-based, family-focused, child-centered approach to service delivery. A child is determined to need foster care prevention services if the child is at risk of coming into foster care within 6 months without these services. The focus of these services should be on maintaining and strengthening the family unit while ensuring the safety of the child and individual family members. Prevention services to children living in their home may be extended beyond six months if recommended by the Family Assessment and Planning Team and approved through the Virginia Department of Social Services regional foster care specialist. **Appendix H of the CSA manual provides additional information regarding Foster Care Prevention Guidelines.**

Non-Custodial Foster Care Placements

Non-custodial foster care placements are held to the same requirements as all foster care placements. Time frames for administrative panel reviews and court hearings are based on the date of the initial non-custodial foster care placement. Court hearings must document reasonable efforts to prevent removal and that it continuation in the home would be contrary to the child's welfare. Case data must be entered into and maintained in OASIS. To be eligible for mandated funding, these placements require a non-custodial foster care agreement at placement and a foster care service plan completed within 60 days of placement.

These placements may be eligible for Title IV-E and Medicaid and must be evaluated for eligibility. Parents who place children in these placements are required to pay child support, and a referral to the Division of Child Support must be made. If the local department of social services is not the case manager, the local department is to work with the case managing agency to meet these requirements.

Reference: Foster Care Policy, Volume VII, Section III, Chapter B, pages 3-10 through 3-12, October 2001.